

14042 U.S. PTO  
09/10/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

19704 U.S. PTO  
10/659010  
09/10/03

CERTIFICATE OF MAILING OR TRANSMISSION

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR, Section 1.10 on the date indicated above and is addressed to MS PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, by

  
Signature

**Present Application:**

Applicants: Mark L. Mathis

Title: MITRAL VALVE THERAPY ASSEMBLY AND METHOD

Attorney Docket No.: 1931-4-5

**Pending Prior Application:**

Applicants: Mark L. Mathis

Serial No.: 09/855,946

Filing Date: May 14, 2001

Title: MITRAL VALVE THERAPY ASSEMBLY AND METHOD

Examiner/Unit: Alvin J. Stewart / (703) 305-0277

Attorney Docket No.: 1931-4

**REQUEST FOR FILING APPLICATION UNDER 37 CFR 1.53(b)**

This is a request for filing a continuation \_\_\_\_, continuation-in-part \_\_\_\_, or divisional X application under 37 CFR 1.53(b) of pending prior application identified above.

1. X A filing date in accordance with 37 CFR 1.10 is requested. (Express mail certificate appears on this transmittal letter.)

2. X A true copy of the prior application and declaration as originally filed is enclosed.  
(See Nos. 11 and 12 for drawing requirements.)

3. X The filing fee is calculated below:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW,  
PLUS CLAIMS ADDED BY PRELIMINARY AMENDMENT, IF ANY

	Number Filed		Number Extra		Basic Fee \$750/\$375
Total Claims	10	- 20 =	0	X \$18/\$9 =	\$-0-
Independent Claims	2	- 3 =	0	X \$84/\$42 =	\$-0-
Multiple Dependent Claims	---	---	\$260/\$130=		0
Total Filing Fee					<u>\$375.00</u>

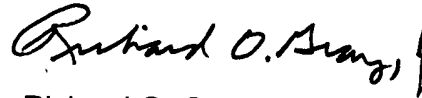
4. X Applicant claims small entity status.
5.     Please charge the filing fee of \$           to Deposit Account 07-1897.
6. X Please charge any additional filing fee or credit any overpayment to Deposit Account 07-1897.
7.     Enter the amendment previously filed on            under 37 CFR 1.116 but unentered in the prior application.
8.     A preliminary amendment canceling claims     and adding new claims     is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application and have been included in the calculation of the filing fee set forth above.)
9. X Cancel in this application original Claims 1-15 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

10. X Amend the specification by inserting after the title the following sentence:  
--This is a \_\_\_ continuation, \_\_\_ continuation-in-part, X divisional of the prior application Serial No. 09/855,946, filed May 14, 2001, the benefit of the filing date of which is hereby claimed under 35 USC 120.--
11. \_\_\_ Transfer the drawings from prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
- 12a. X New formal drawings (2 sheets) identical to those originally filed in the prior application are enclosed.
- 12b. \_\_\_ Informal drawings (\_\_\_ sheets) identical to those originally filed in the prior application are enclosed.
13. X Priority of U.S. application Serial No. 09/855,946, filed on May 14, 2001, is claimed under 35 USC 120.
14. \_\_\_ Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_, 19\_\_, in \_\_\_ (country) \_\_\_ is claimed under 35 USC 119.
15. X The prior application is assigned to Cardiac Dimensions, Inc., Reel 011815, Frame 0836.
16. X The original power of attorney in prior application is to all attorneys associated with Customer Number 000996. The power appears in the original papers in the prior application (copy enclosed).
17. \_\_\_ A second power of attorney in prior application is to: \_\_\_\_\_. The second power appears in the original papers in the prior application.
18. \_\_\_ An associate power of attorney is enclosed.
19. X Also enclosed: Information Disclosure Statement; cited references (22).

Please address all future correspondence to the undersigned at the below address.

Respectfully submitted,

GRAYBEAL JACKSON HALEY LLP

A handwritten signature in black ink, appearing to read "Richard O. Gray, Jr.", with a stylized flourish at the end.

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